SECOND

# ANNUAL REPORT

1988/89

(APRIL 1st, 1988 TO MARCH 31st, 1989)

VICTIMS
ASSISTANCE
COMMITTEE

VICTIMS ASSISTANCE COMMITTEE
5th Floor, 405 Broadway
Winnipeg, Manitoba, R3C 3L6
Telephone: 945-0899

The Honourable James C. McCrae
Minister of Justice and Attorney General
Room 104, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. McCrae:

Re: 1988/89 Annual Report

I have the honour to submit to you, in accordance with subsection 8(8) of The Justice for Victims of Crime Act, the Annual Report of the Victims Assistance Committee for the fiscal year 1988/89.

## I. Composition of the Victims Assistance Committee

Section 7 of The Justice For Victims of Crime Act establishes the Victims Assistance Committee. The membership of the Committee shall be comprised of not less than seven members and not more than fifteen members to be appointed by the Lieutenant Governor in Council. Pursuant to Section 9 (2) of the Act which states that, "The committee shall include at least two victims of crime and shall include representation from law enforcement agencies, prosecutors, the judiciary and members of the Law Society of Manitoba who are not employed by the government and who have experience as defence counsel", the composition of the Victims Assistance Committee is as follows:

| | **Term** |
|---|---|
| Steve Brickey (chairperson) | January 1, 1987 - January 1, 1990 |
| Constable Ruby D. Burns | August 5, 1987 - October 1, 1988 |
| G. Ann Charter | January 1, 1987 - September 1, 1988 |
| Radha Curpen | February 10, 1988 - September 1, 1988 |
| Judge J.J. Enns | February 24, 1988 - January 1, 1990 |
| Jenette R. Goodman | January 1, 1987 - January 1, 1990 |
| John P. Guy, Q.C. | January 1, 1987 - January 1, 1990 |
| Elizabeth Hill | January 1, 1987 - January 1, 1990 |
| Constable Richard B. Jones | January 1, 1987 - January 1, 1990 |
| Michael J. Manko | January 1, 1987 - September 1, 1988 |
| Marie Mathieson | February 24, 1988 - September 1, 1988 |
| Robert L. Stewart | January 1, 1987 - September 1, 1988 |

| | |
|---|---|
| Ken Theule | February 17, 1988 - January 1, 1990 |
| Rudy Ulrich** | January 1, 1987 - January 1, 1989 |

** Still serving subject to Subsection 9(4) "Where the term of a member expires, the member shall continue to serve until a successor is appointed."

Subject to Subsection 9(3), "each member shall be appointed to the Committee for a term of not more than 3 years."

**II. Meetings** of the Victims Assistance Committee were held as follows:

April 18, 1988
May 9, 1988
June 13, 1988
July 11, 1988
August 15, 1988
September 20, 1988
October 18, 1988
November 23, 1988
December 12, 1988
January 11, 1989
February 14, 1989
March 1, 1989
March 14, 1989
March 22, 1989

**III. Subcommittees** were formed early in 1988 to accomplish the following identified objectives:

1) Proposal Review subcommittee - Review of funding proposals.
2) Conference subcommittee - Organization of province wide victims' conference.
3) Criminal Justice subcommittee - Education of criminal justice personnel to the needs of victims and development of policy recommendations to the Minister of Justice and Attorney General in order to meet the objective of creating greater accountability of the criminal justice system to victims.
4) Rural Development subcommittee - Develop an assessment of victims' needs in rural Manitoba and propose appropriate programs to deliver services to address these needs.

Unfortunately, due to a number of resignations from the committee and unfilled vacancies, the subcommittees, with the exception of the Proposal Review subcommittee, have been unable to function efficiently. It is hoped that when additional members are appointed to the Victims Assistance Committee, the subcommittees will be able to work to their full potential.

## IV. Financial Highlights

### A. Revenues

| | April 1/88 - March 31/89 |
|---|---|
| Revenues from all sources | $791,509.04 |
| Administrative expenses | $ 53,658.37 |
| Net | $737,850.67 |

The Justice for Victims of Crime Act, under section 12, established a fund known as "The Victims Assistance Fund". Section 13(1) states that, "Subject to subsection (4) and any other Act of the Legislature, where a person is convicted of an offence under an Act of the Legislature or a regulation under such an Act, a surcharge shall be conclusively deemed to have been imposed against the person and shall be collected in the same manner as a fine, and where a fine has been imposed the surcharge shall be collected with the fine". Under Manitoba Regulation 278/86, the surcharge to be imposed is 12%. Section 13(4) of The Justice for Victims of Crime Act reads, "Where a person receives a reprimand or is convicted of an offence but no fine is imposed in respect of the offence, the surcharge under subsection (1) shall be $25.00." Surcharge revenue for the fiscal year from April 1, 1988 to March 31, 1989, was $683,674.83.

The other source of revenue to the Victims Assistance Fund is interest paid on short-term investments. Section 17(3) of the Act allows for the investment of monies in excess of the amount that is required for the immediate purposes of the Act. The Minister of Finance may invest the excess and any income therefrom shall be credited to the Fund. The Fund earned a total of $88,948.21 in interest on investments, including interest accrued but not received.

The Government of Canada also contributed $18,886.00 as their portion of the salary and travel expenses of the Victims Coordinator position for the Victims Assistance Committee.

Administrative expenses totalled $53,658.37 at the end of March 31, 1989. This total includes: honorariums paid to Committee members; salary of staff person; printing of victim literature and; operating expenses.

For further information, please see financial statements, Appendix "A".

### B. Grants from the Fund

Section 15 of the Act states:

> "Subject to any trust conditions under which money is received into the fund, the Lieutenant Governor in Council may authorize expenditures from the fund for
>
> (a) promotion and delivery of victims services;
>
> (b) research into victims services, needs and concerns;

(c) distribution of information respecting victims services, needs and concerns;
(d) remuneration of members of the committee for their services and for reimbursement of reasonable expenses incurred on behalf of the committee; and
(e) any other purpose the Lieutenant Governor in Council considers necessary for carrying out the purposes and promoting the principles set out in this Act."

The Committee has developed the following guidelines governing the funding of a project or proposal:

1) The Committee will recommend funding of a project for up to a maximum of three years duration.

2) The Committee will not recommend funding of capital expenditures.

3) The Committee will not core fund or assume ongoing funding responsibility for programs. The emphasis at the present time is on the development of new services or the enhancement of existing services.

4) The Committee has placed an emphasis on services in the rural areas.

5) The Committee has priorized granting proposals as follows: 1) service delivery; 2) information/awareness and; 3) research.

The Victims Assistance Committee reviews funding proposals on a quarterly basis, in February, May, August and November. In the 1988/89 fiscal year 22 funding proposals were considered and the following grants were committed:

Women's Post Treatment Project, Inc. $109,500.00

The Women's Post Treatment Project Inc., is a unique project that targets its therapeutic services to women who were victims of childhood sexual assault and have experienced difficulty with drug or alcohol addiction. This three year grant will allow the Women's Post Treatment Project to hire an additional staff person to expand their program and service delivery.

North East Winnipeg Family and Child Extended Social Services $35,539.00

The one year grant will allow NEW FACESS to hire a Coordinator of Treatment Support Services as part of a three year project to develop a community based treatment response to families of north east Winnipeg whose lives have been affected by child sexual abuse.

Manitoba Society of Seniors $6,700.00

With the funding assistance of the Victims Assistance Committee, the Manitoba Society of Seniors will publish and distribute a Victim's Information and Public Awareness Booklet on Elder Abuse. The booklet is a consciousness-raising vehicle which will provide a comprehensive examination of the subject of Elder Abuse. The Victim's Information and Public Awareness Booklet on Elder Abuse will be made available throughout Manitoba at no cost to the public.

Main Street Project, Inc. $86, 214.77

Main Street Project Inc. will develop a three year Victim Assistance Project which will distribute victim information and deliver victim services to its target population, people who are in need and/or unable to function due to chemical abuse or to being intoxicated, injured, lost or homeless. The project will include a research component to provide a picture of the clients served and the victimization they have suffered.

Community Legal Education Association $12,850.00

Community Legal Education Association will deliver the Feeling Yes/Feeling No production to schools in remote Native communities in combination with information sessions in the schools and training workshops with local professionals working in the area of child abuse. This program will contribute to the education and prevention of child sexual abuse.

Community Legal Education Association $15,000.00

Community Legal Education Association will develop a Victims Legal Reference Manual which will be a collection of relevant statutes and case law with annotation and will contain indexed source documents for use by individuals and agencies that work with victims of crime. This manual will be made available free of charge to the public.

Mennonite Central Committee $67,189.00

The grant to the Mennonite Central Committee (Mediation Services) will be used to develop a two year pilot project specifically designed to deal with mediation between young offenders and victims.

## V. Staffing Component

The Manitoba Department of Justice, on behalf of the Victims Assistance Committee, entered into a 3 year cost-sharing agreement with the Federal Department of Justice for the hiring of a Victims Coordinator for the Victims Assistance Committee. Theresa Clarke was hired and commenced duties on April 11, 1988.

## VI. Other Activities

### Women's Advocacy Program Evaluation

The Victims Assistance Committee is represented on the advisory committee for the evaluation of the Women's Advocacy Program which is a coordinated, community-based program that provides inter-disciplinary services to victims of wife assault by a legal advocate/Crown liaison worker; a social worker; a family violence worker; and a trainer/advocate. The evaluation will provide a comprehensive review of the program mandate and objectives and its impact on the criminal justice system, social service system and victims. This information will be of benefit to the Victims Assistance Committee in setting up similar programs throughout Manitoba.

### NEW FACESS Evaluation

A Committee representative sits on the evaluation steering committee for this community based Sexual Abuse Treatment Program. This demonstration project, partially funded by the Victims Assistance Committee, attempts to address the prevention of child sexual abuse, treatment of victims of child sexual abuse and control of offenders within the community of northeast Winnipeg. The evaluation will contribute to the Committee's knowledge base regarding a comprehensive service approach to the treatment of child sexual abuse.

### Spousal Abuse Tracking Study

The Victims Assistance Committee is represented on the Advisory Committee for this project. The purpose of this project will be to review the handling of spousal assault cases by the police, prosecution, courts and probation. Data generated from this project will be of benefit to the Victims Assistance Committee in the identification of policy and procedures relating to the treatment of spousal assault victims.

### Consultation

The Victims Assistance Committee has consulted with the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Alberta in the development and implementation of their provincial victims' legislation. This consultative process has included in person meetings, presentations at conferences and the provision of general and specific information regarding the Manitoban experience. Information is routinely supplied to the public in

response to requests for information and a number of speaking engagements have been completed. In addition, the Victims Assistance Committee has worked with numerous community groups in the identification of service delivery needs and the development of funding proposals.

## FUTURE DIRECTIONS

The Committee intends to become more involved in the area of education of Criminal Justice personnel about the Declaration of Principles in the Act. This work has already begun at the police level and will continue until all facets of the Criminal Justice system have been examined.

The Victims Assistance Committee is working to expand victims services to all geographic areas of Manitoba, and in the next fiscal year will be undertaking a province wide victims' needs assessment. Comprehensive programming, combining needs identification, service delivery, evaluation and research will achieve this goal.

## CHAIRPERSON'S COMMENTS

The Victims Assistance Committee has experienced a productive year in its work with victims' organizations in Manitoba but it has also been a year marked with frustration. On the positive side, the Committee has had the benefit of a full time staff person, Ms Theresa Clarke. Ms Clarke's work has been invaluable in areas too numerous to list but specific mention should be made of her initiative in the development of strong working relationships with victims' groups throughout the province and her dedicated efforts to formalize a system for the submission and processing of applications that come before the Committee. I know I speak for the entire Committee when I extend my sincerest thanks to Ms Clarke for the many tasks she has performed so well in the past year.

The Committee is also pleased with the quality and diversity of applications received in the past year from organizations interested in providing support and assistance to victims of crime. As noted earlier in this report, the Committee has funded information and service programs for victims in excess of $300,000 in the 1988-89 fiscal year. It is the Committee's hope that this amount will be significantly increased in the coming year, specifically in the area of service delivery to victims in areas outside of Winnipeg where there has been a lack of support available to victims of crime. As part of this initiative, the Committee is planning a comprehensive study of victims' needs in all areas in the province in order to better determine the best use of the financial resources of the Victims Assistance Fund in meeting victims' needs in rural and remote areas.

The frustration of the Committee in the past year primarily stems from the lack of a cooperative relationship with the current government. Although the Committee is unaware of the source of the tension that exists with the government, the consequences of this tension have been a dramatic loss of effectiveness in the operations of the Committee. Several examples will be given to illustrate the problems that the Committee has experienced in working with the government.

One of the procedural difficulties that directly affects the efficient operation of the Committee is the complex bureaucratic maze that each grant application must pass through after the Committee has recommended funding. Briefly, following recommendation by the Committee, the grant application then proceeds to the Attorney-General, where approval must be given. Subsequent to the Attorney-General's approval, the application then goes to Treasury Board for approval. Following Treasury Board's approval, the application then is passed to Cabinet for final approval. The Committee is opposed to this multi-layered approval system for two reasons. First, the length of time required to get final approval on a grant application is intolerably long. Following the recommendation of the Committee, it typically takes from four to six months for a grant application to receive final approval from the government. Second, because the Committee thoroughly assesses each grant application prior to recommending funding to the government, the approval mechanism established by the government is redundant and needless. This delay in funding approval is not a fair method of dealing with community groups eager to receive their funding and to initiate victim services. Since the purpose of the Committee is to act on behalf of the government in determining how the money collected for the Victims Assistance Fund should be spent, we would argue that the government should allow the Committee the autonomy to do its job without undue interference and delay.

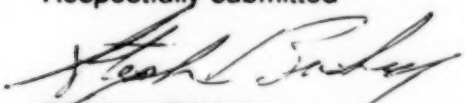
Although the Committee has expressed the above concerns to the Attorney-General, no response has been given. We would therefore recommend that the Justice For Victims Of Crime Act be amended to give the Committee the power to directly allocate monies from the Victims Assistance Fund without requiring approval from the Attorney-General, Treasury Board and Cabinet. The Committee would still be accountable to the Legislature through the requirement within the Act that an annual report be tabled in the House each year. This method of accountability is currently in use by the Law Foundation without any apparent difficulty.

Another example of the absence of a cooperative relationship with the current government is the unwillingness of the Attorney-General to attend to a number of concerns brought to his attention by the Committee. In December of 1988, Treasury Board rejected a grant application recommended by the Committee to fund a new service to victims. Since this was the first time that a recommendation of the Committee had been rejected by the government, the Committee wrote to the Attorney-General to request an explanation of why the Committee's decision had been reversed. No response to this written request was given.

In September, 1988 the Committee wrote to the Attorney-General requesting that he appoint additional members to the Committee. Due to a variety of reasons, a number of members had resigned from the Committee and the ability of the Committee to carry out a number of its tasks was being affected by the absence of a full complement of members. After waiting three months and receiving no reply from the Attorney-General, the Committee again sent a written request in December, 1988 urging the appointment of additional members. The Committee has yet to receive a response from the Attorney-General to this second request.

We are at a loss to understand why the Attorney-General has adopted a position of silence with a Committee that is directed to operate under his Ministry, but the effect of this position is that the Committee cannot function effectively to work with community groups to develop viable programs that offer support and assistance to victims. The Committee would encourage the Attorney-General and the government to place the issue of victims as a priority and to work with the Committee in its attempt to expand the services for victims in Manitoba. Unfortunately, it is ultimately the victims who suffer when the government fails to attend to issues that hamper the Committee's ability to meet the objectives of the Act.

Respectfully submitted



Stephen Brickey
Chairperson,
Victims Assistance Committee

## APPENDIX "A"

### THE VICTIMS ASSISTANCE FUND

### STATEMENT OF REVENUE, EXPENDITURES, GRANTS AND DISTRIBUTABLE SURPLUS

### PERIOD APRIL 1, 1988 TO MARCH 31, 1989

| | |
|---|---|
| **REVENUE** | |
| Fine Surcharges | $683,674.83 |
| Contribution from Government of Canada | 18,886.00 |
| Interest earned on Investments | 88,948.21 |
| | 791,509.04 |
| **EXPENDITURES** | |
| Administrative | |
| Board fees | 4,431.00 |
| Equipment | 2,571.60 |
| Office Supplies and Services | 7,557.83 |
| Personnel Services | 31,811.67 |
| Transportation and Communication | 7,066.67 |
| Miscellaneous | 219.60 |
| | 53,658.37 |
| EXCESS OF REVENUE OVER EXPENDITURES | 737,850.67 |
| GRANTS ALLOCATED DURING THE YEAR - Schedule 1 | 352,992.77 |
| NET INCREASE IN DISTRIBUTABLE SURPLUS | $384,857.90 |

# THE VICTIMS ASSISTANCE FUND

## BALANCE SHEET

## MARCH 31, 1989

### ASSETS

| | |
|---|---|
| CASH ON DEPOSIT WITH THE MINISTER OF FINANCE | $170,137.93 |
| SHORT-TERM INVESTMENTS (TRUST DEPOSITS - MINISTER OF FINANCE) | 1,149,908.21 |
| GOVERNMENT OF CANADA (CONTRIBUTION) RECEIVABLE | 13,336.00 |
| ACCRUED INTEREST ON INVESTMENTS | 27,673.63 |
| | $1,361,055.77 |

### LIABILITIES

| | | |
|---|---|---|
| GRANTS PAYABLE | | $399,281.00 |
| DISTRIBUTABLE SURPLUS: | | |
| BEGINNING BALANCE - APRIL 1/88 | $576,916.87 | |
| NET INCREASE FOR 1988/89 | $384,857.90 | |
| ENDING BALANCE OF DISTRIBUTABLE SURPLUS - MARCH 31/89 | | 961,774.77 |
| | | $1,361,055.77 |

SCHEDULE 1

## THE VICTIMS ASSISTANCE FUND

## SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED

## PERIOD APRIL 1, 1988 TO MARCH 31, 1989

| | ALLOCATED | UNDISBURSED |
|---|---|---|
| Thompson Crisis Centre - court liason for victims | | 3,370.00 |
| Family Survivors of Homicide Evaluation & Consultation | | 14,500.00 |
| Winnipeg Police Department - enhancement of existing Victim Services | | 88,822.00 |
| Winnipeg Police Department - evaluation of Victim Services Unit | 20,000.00 | 15,000.00 |
| Women's Post Treatment Project - treatment for adult survivors of child sexual abuse | 109,500.00 | 109,500.00 |
| NEW FACESS - community based treatment approach to child sexual abuse | 35,539.00 | 21,539.00 |
| Manitoba Society of Seniors - elder abuse handbook | 6,700.00 | 700.00 |
| Main Street Project - Victim Witness Assistance program | 86,214.77 | 78,000.00 |
| Community Legal Education Association - Feeling Yes/Feeling No | 12,850.00 | 5,350.00 |
| Community Legal Education Association - Victims Legal Reference Manual | 15,000.00 | 2,500.00 |
| Mediation Services - Youth mediation | 67,189.00 | 60,000.00 |
| | $352,992.77 | $399,281.00 |

APPENDIX "B"

## THE VICTIMS ASSISTANCE COMMITTEE

The Victims Assistance Committee was established by the Legislature through The Justice For Victims of Crime Act which was enacted January 1, 1987.

The legislation establishing the Victim Assistance Committee details the parameters of the Committee.

> "8(1) The committee shall be guided by and shall promote the principles set out in this Act.
>
> 8(2) The committee may receive from any person, organization or institution applications and submissions relating to (a) the needs and concerns of victims; and (b) the provision and funding of research and services relating to victims.
>
> 8(3) The committee shall work with prosecutors and with law enforcement agencies, courts, social agencies and other organizations able to serve victims in order to assist them in developing guidelines that promote the principles set out in this Act and that relate to their activities.
>
> 8(4) The committee shall make recommendations to the minister on the use of the fund and may make recommendations relating to (a) the development of policies respecting victims services; and (b) any other matter within the scope of the principles set out in this Act that the minister refers to the committee for its recommendation.
>
> 8(5) The committee shall promote research into and the distribution of information about victims services, needs and concerns.
>
> 8(6) The committee shall review the operation, development and cost of victims services and research projects for which money from the fund is being received or sought."

## APPLICATION PROCEDURES

The Funding Application form can be obtained directly from the Committee. The application form is to be accompanied by a detailed project description, including a budget. Funding proposals will be reviewed by the Victims Assistance Committee on a quarterly basis - in February, May, August and November. Should further information be required from the submitting organization, they will be contacted to provide the necessary information or may be invited to attend a meeting of the Victims Assistance Committee to discuss the submitted proposal.

For information about the Victims Assistance Committee and to request application forms and the most recent annual report, write or telephone:

THE VICTIMS ASSISTANCE COMMITTEE
5th Floor, 405 Broadway
Winnipeg, Manitoba
R3C 3L6

Telephone: (204) 945-0899

Victims Coordinator
Theresa Clarke